IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1610 OF 2005

Mrs. Kalyani Rajendra Gamre ...Petitioner
vs.
Mr. Rajendra Devram Gamre ....Respondents

A.V. Powaskar for the petitioner.
Pankaj Bhatt for the respondents.

CORAM: S.U. KAMDAR, J.

DATE : 19th November, 2005.

P.C. :

1. By consent of the parties the following order is passed :

2. The petitioner shall pay to the respondent a sum of Rs.15 lacs towards the sale consideration for the suit flat being 11/86 Anand Nagar, Rationing Office Gali, Guru Narayan Marg, Santacruz East, Mumbai-55. The aforesaid payment of Rs.15 lacs to be paid as under :

3. A sum of Rs.5 lacs will be paid within a period of two months from today and the balance of Rs.10 lacs will be paid within a further period of two months from the due date of the payment of Rs.5 lacs.

4. On receipt of the aforesaid amount of Rs.15 lacs the respondent hereby undertakes to this court that he will execute all necessary documents including transfer form for transfer of the flat in favour of the petitioner herein and on aforesaid payment the petitioner will become absolute owner of the said flat being 11/86, Anand Nagar, Rationing Office Galli, Guru Narayan Marg, Santacruz (E), Mumbai-51 and all the rights of the respondent in the said flat will come to an end on receipt of the aforesaid amount.

5. In an event if the petitioner fails to make payment of the aforesaid amount within the aforesaid period of four months then in that event the respondent will be at liberty to

dispose off the said flat as permitted by the impugned order and shall pay to the petitioner within a period of one month from the date of the execution of the agreement the 50% of the sale consideration received by the petitioners herein.

6. In the light of the aforesaid the impugned order is modified to the aforesaid extent and the petition is disposed off accordingly.

sd/-

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